

No. 87-352

In the Supreme Court of the United States

OCTOBER TERM, 1987

SUN OIL COMPANY,

Petitioner,

vs.

RICHARD WORTMAN and HAZEL MOORE, Individ-
ually and as representatives of all producers and royalty
owners to whom Sun Oil Company has made or should
make payment of suspended proceeds of royalties pur-
suant to FPC Opinions or FERC,

Respondents.

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF THE STATE OF KANSAS

SUPPLEMENTAL BRIEF OF RESPONDENTS

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A part of the controversy in this case relates to what
rate of interest is allowed in contract cases in Texas. The
sole purpose of the Supplemental Brief is to inform the
Court of a February 10, 1988 decision of the Texas Su-
preme Court on this subject.

In *Perry Roofing Company v. Eugene D. Olcott*, No.
C-6228 (available on Lexis), decided February 10, 1988,
the Texas Supreme Court distinguished *Mo.-Kan.-Tex. R.
Co. v. Fiberglass Insul.*, 701 S.W.2d 343 (Tex. Civ. App.
1986), relied upon by petitioner.

In *Perry*, the Texas Supreme Court held that the rule
of *Cavnar v. Quality Control Parking, Inc.*, 696 S.W.2d

549, does extend to breaches of contract for ascertainable damages.

Thus, *Mo.-Kan.-Tex. R. Co.* has no application to the Texas interest rate question in this case.

Respectfully submitted,

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